
DIGEST

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HB 365 Engrossed

2015 Regular Session

Jones

Abstract: Provides a process by which to clarify ambiguous ownership of interment spaces in a cemetery governed by the city of Franklin.

Proposed law, relative to a cemetery in Franklin, provides a procedure by which the city of Franklin may establish its ownership of unused interment spaces that may have been sold more than 100 years ago but for which there is no record of such a sale. If the city complies with the established procedures and no one shows evidence of ownership in such an interment space, proposed law provides that the city has ownership of the space and may sell it.

Proposed law requires the city of Franklin to publish a public notice in its official journal, once a month for 12 consecutive months, attempting to locate owners of such spaces. Such notice shall provide the following:

- (1) The identity of the interment spaces, either individually or by description of the general area of the cemetery where multiple spaces are located.
- (2) A statement explaining that the right of interment in such a space may have been sold more than 100 years previously, but the city has no record of such a sale.
- (3) An address where a person who can show an ownership interest in such a space may present evidence of such ownership.
- (4) A specific date after which the city will determine that it has full ownership of any unclaimed spaces and after which a previous owner will have no right to or interest in such a space.

Proposed law provides that a person may file suit to claim ownership of an interment space. Further provides that such claim for which a person may file suit is subject to a one-year liberative prescription from the date the city of Franklin assumes full ownership of the interment space.

Proposed law authorizes the city of Franklin to sell and convey interment spaces described in proposed law if no person files suit to claim ownership within one year from the date the city assumes full ownership.

(Adds R.S. 8:308.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Commerce to the original bill:

1. Clarify the provisions required in the notice to be published by the city of Franklin.
2. Clarify the provision relative to a person's right to file suit to claim ownership of an interment space. Provide that the ownership claim of an interment space for which a person may file suit is subject to a one-year liberative prescription from the date the city of Franklin assumes full ownership of the interment space.